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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/356,845 07/19/99 KAEWELL JR.

J I-1-50.5US

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WM01/0621

EXAMINER

BOCURE, T

ART UNIT

PAPER NUMBER

2631

DATE MAILED:

06/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/356,845

Applicant(s)
John David Kaewell et al.

Examiner
Tesfaldet Bocure

Art Unit
2631



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 Apr 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-23, 25-27, and 29-31 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-23, 25-27, and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11,13-23,25-27 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by **Schlosser et al.** (US patent number 3,879,581, newly cited).

Schlosser teaches a communication system having a repeater station (100) (claimed primary) for communicating with a plurality of subscriber stations (not shown, see subscriber line in figure 1) and data terminals (110), wherein the repeater terminal comprising means and steps for: receiving an information signal from one of the subscriber stations using an up-link channel and slot through a data terminal (110); detecting the received up-link signal from the terminal and the sync signal and assigning a sync. signal in a corresponding time slot for transmitting to the receiving end on the assigned time slot and frequency (2a-2f and claims 1-6) as in claims 11,13,15,16,19,22,26 and 30. The repeater unit modifies the received up-link signals to be transmitted and assigns the down-link time slot without the knowledge of the data terminals and subscriber units, and therefore it is transparent to both the subscriber and the data terminals.

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Further to claims 14,17 and 20, the data terminals and the subscriber station (not shown) are outside the operating range.

The time slots in figures 2a-2f having a corresponding up-link and down-link frequencies (800 channels) as in claims 23,27 and 30.

The repeater unit (100) modifies the received signal to be transmitted to the receiving end, therefore, reads on the claimed equalizing the received signal before retransmitting as in claims 25,29 and 31.

The wideband downlink (121) includes a synchronization and control filed, which is utilized by the spacecraft to interrogate and call the date terminals in order to set up a circuit connection, to provide time reference for uplink synchronization of the terminals (see col. 4, lines 41-59), reads on the newly claimed secondary station aligning its frame timing according to the according to the received signal in claims 11,15 and 19.

The repeater unit is a radio transceiver reads on the claimed transmitter and receiver embedded on radio as in claims 18 and 21.

Response to Amendment

In response to applicant's argument in pages 6-8 with respect to claims 11,13-23, 25-27 and 29-31 that:

Unlike the '581 patent, the present invention uses totally different approach to achieve the synchronization between the primary station and subscriber. First, during the synchronization process, in our present invention, the subscriber utilizes

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a 25% duty cycle waveform and distinct type of receive automatic gain control (AGC) to track the positive edge of the receive amplitude----

Applicant's argument is not directed to the claimed subject matter, rather to the disclosed a subject matter. In other words, applicant 's argument is not how the claimed invention distinguishes from that of the '581 patent, rather how the disclosed invention distinguishes from that of the '581 patent.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

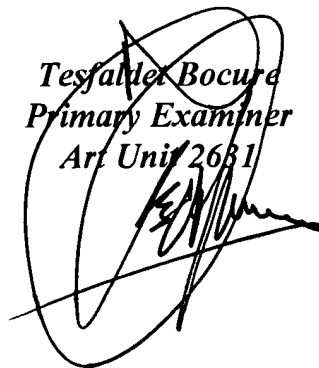
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Monday through Thursday the first week of a bi-week and Monday through Friday the second week of a bi-week from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305- 4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4743 or (703) 305-3988 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Tesfaldet Bocure
Primary Examiner
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A large, stylized handwritten signature in black ink, written over the typed name and title of the examiner.

T.Bocure

June 20, 2001